

### **REMARKS**

In response to the requirement for restriction mailed February 26, 2009, Applicants hereby elect Group I, claims 1-11, drawn to particles. The requirement for restriction is respectfully traversed, inasmuch as it separates out the process of making the particles of Group I, and the process of using the particles of Group I, from the particles themselves. It is submitted to be evident that PCT rule 13.2 states that notwithstanding the unity of invention requirements, unity of invention *will* be found where the claims are directed to a product, a process for making the product and a process for using the product. Accordingly, it is submitted that the restriction requirement should be withdrawn.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Harry B. Shubin/

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